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10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 Terrance L. Lavoll,  
13 Petitioner,  
14 v.  
15 Jerry Howell, *et al.*,  
16 Respondents.

Case No. 2:19-cv-02249-GMN-EJY

**Unopposed motion for extension of  
time to file Response to Motion to  
Dismiss**

**(First Request)**

1 Counsel for Mr. Lavoll requests a first extension of time of 46 days to Monday,  
2 June 7, 2021, to file the response to Respondents' motion to dismiss (ECF No. 19).

3 Counsel has begun working on the response and had an initial conversation  
4 with Mr. Lavoll about the response. However, counsel was unable to complete the  
5 response due to the complexity of the issues and counsel's responsibilities at work.  
6 The motion to dismiss raises timeliness, exhaustion, and procedural default  
7 arguments. The issues are complex and counsel will need to conduct further  
8 investigation related to the timeliness issue.

9 Additionally, counsel's numerous administrative and managerial  
10 responsibilities related to his position as Chief of the Non-Capital Habeas Unit have  
11 interfered with his ability to complete the response. Over the past few weeks, counsel  
12 has had to dedicate a significant amount of time to developing and coordinating the  
13 office's reopening plan. These responsibilities will continue over the next couple of  
14 months as the office continues to reopen. Further, counsel has had to train and closely  
15 supervise a new attorney as well as continue to supervise three other attorneys who  
16 have started within the past eighteen months. Counsel requests the additional 46  
17 days due to numerous anticipated responsibilities, both administrative and workload-  
18 related, over the next 46 days. These include preparing a presentation for an  
19 upcoming conference, drafting two amended petitions, attending two parole hearings,  
20 and drafting a request for a certificate of appealability.

21 On April 21, 2021, counsel for respondents, Senior Deputy Attorney General  
22 Charles L. Finlayson, indicated by email Respondents do not oppose this request.

23 This motion is not filed for the purpose of delay, but in the interests of justice,  
24 as well as in the interest of Mr. Lavoll. Counsel for Petitioner respectfully requests  
25 that this Court grant this motion and order Petitioner to file the Response to the  
26 Motion to Dismiss no later than June 7, 2021.

1 Dated April 21, 2021.

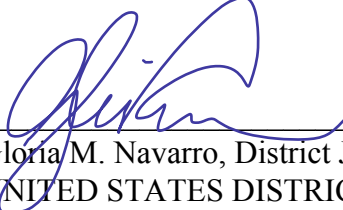
2 Respectfully submitted,

3  
4 Rene L. Valladares  
5 Federal Public Defender

6 /s/ Jonathan M. Kirshbaum  
7 Jonathan M. Kirshbaum  
8 Assistant Federal Public Defender

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10 **IT IS SO ORDERED *nunc pro tunc*.**

11 Dated this 26 day of April, 2021

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15 Gloria M. Navarro, District Judge  
16 UNITED STATES DISTRICT COURT  
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